CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: Monday, March 9, 2011	CASE NUMBER: C15-2011-0004
Y Jeff Jack Michael Von Ohlen ABSIY Nora SalinasY Bryan KingY Leane Heldenfels, ChaY Clarke Hammond, ViceY Heidi Goebel Motion to Y Melissa Hawthorne	irman
APPLICANT: Guadalupe J., Mora	les
ADDRESS: 6607 CRUZ ST	
1/2 feet along the west property	oplicant has requested a variance to decrease the irement of Section 25-2-492 (D) from 5 feet to 1 line in order to maintain a single-family y Residence – Neighborhood Plan zoning od Plan)
BOARD'S DECISION: Postponed complete application, permit history	to May 9, 2011 (additional information needed, ory, pictures)
FINDING:	
 The Zoning regulations applicable because: 	e to the property do not allow for a reasonable use
2. (a) The hardship for which the va	riance is requested is unique to the property in that:
(b) The hardship is not general to	the area in which the property is located because:
impair the use of adjacent confor	aracter of the area adjacent to the property, will not ming property, and will not impair the purpose of rict in which the property is located because:
Sugar Walker	
Susan Walker Executive Secretary	Leane Heldenfels Chairman

Walker, Susan

From:

Roberto Villegas [robertovillegas78741@yahoo.com]

Sent:

Wednesday, March 09, 2011 9:05 AM

To:

Walker, Susan

Subject: C15-2011-0004

Dear Ms. Walker:

Please disseminate the information below to the Commissioners.

Thank you,

Roberto

Dear Commissioners,

My health does not allow me to be present this evening, but I write to you regarding case # C15-2011-0004 on today's agenda.

I kindly request that you deny the variance due to the fact that the applicant has failed to provide a reasonable cause for the egregious error in building the addition that encroaches upon the setback.

Should the applicant have previously submitted the appropriate documents prior to erecting the building, the drawings would clearly depict the setbacks which more than likely would mirror the same line as the existing house.

Per the application itself it does not appear to include the required information of setback information for adjoining properties.

Given the parameters for granting a variance I do not believe the applicant has demonstrated any legitimate hardship for the variance. In fact, it is my understanding that the property currently is in violation of city code as the property exceeds the impervious cover limits.

I am not sure if the owners need a certificate of occupancy, but if so people have continued to reside in the house in absence of the certificate.

For these these reasons granting such a variance would encourage "bad behavior" and unjustly provide a privilege to the applicant not afforded to others.

I do appreciate your time and efforts,

Sincerely, Roberto Villegas



City of Austin

P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt 5496328 No.:

Payment 02/22/2011

Invoice 5493931

Date:

No.:

Payer Information

Company/Facility Name: Lupe Drywall LLC

Payment Made By: Guadalupe J. Morales

6607 CRUZ ST AUSTIN TX 78741

Phone No.: (512)

Payment Method:

Check

Payment Received: \$360.00

Amount Applied:

\$360.00

Cash Returned:

\$0.00

Comments:

ck 1243

Additional Information

Department Name: Planning and Development Review

Receipt Issued By:

Julia Lopez

Receipt Details

FAO Codes

Fee Description

Internal Address Ref. No.

Permit/Case No.

Amount

1000 6800 9770 4120 BOA/SRB Fee

10535889 6607 CRUZ ST

2011-000004-BA

\$360.00

Total

\$360.00

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # <u>C15-2011-0004</u>
ROW # <u>10535889</u>

CITY OF AUSTIN TP- 0308160 403

APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.
STREET ADDRESS: 6607 CRUZ STREET
LEGAL DESCRIPTION: Subdivision – CHERNOSKY #17
Lot(s) 5 Block 5 Outlot Division
I/We TUADALUPE + Adela MORALES on behalf of myself/ourselves as authorized agent for
affirm that on,,
hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
ERECT_VATTACHCOMPLETE_VREMODELVMAINTAIN
a single tamilia residence
with a Side raid sellock
of 2 feet (1'h feet to covered area)
in a <u>3F-3-NP</u> district. Mouty alis N. P. (zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

fin	idings):
RE	EASONABLE USE:
1.	The zoning regulations applicable to the property do not allow for a reasonable use because:
<u>H</u> A	ARDSHIP:
2.	(a) The hardship for which the variance is requested is unique to the property in that:
	myt page
	(b) The hardship is not general to the area in which the property is located because:
	it is property hardship but the addition
AR	EA CHARACTER:
	The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
<u></u>	he variance will not empair the neighborhood,
	egulations of the zoning.
PA]	RKING: (Additional criteria for parking variances only.)
Boaresp find 1.	quest for a parking variance requires the Board to make additional findings. The ard may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with sect to the number of off-street parking spaces or loading facilities required if it makes lings of fact that the following additional circumstances also apply: Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
	none

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of

December 15, 2010

To Variance Dept.

#2 HARDSHIP

The addition on 6607 Cruz Street was built in 1997 or 1998 the reason for the delay is that I open Small business, use all the fund for the business. When ready to finish the permits had expired and was told that we needed a survey. The survey say that we are over 2 feet away from the neighbor But we got the measurement from the spike in the back yard and we measure from there to the new Building. We never meant to get close to the neighbor If we measure from the neighbor fence

That is where the spike is to the new addition it's 5 ft. away. Also you measure from the spike to spike in back yard we have 55 ft. But the surveyor say can't change because all property are the same 50 ft

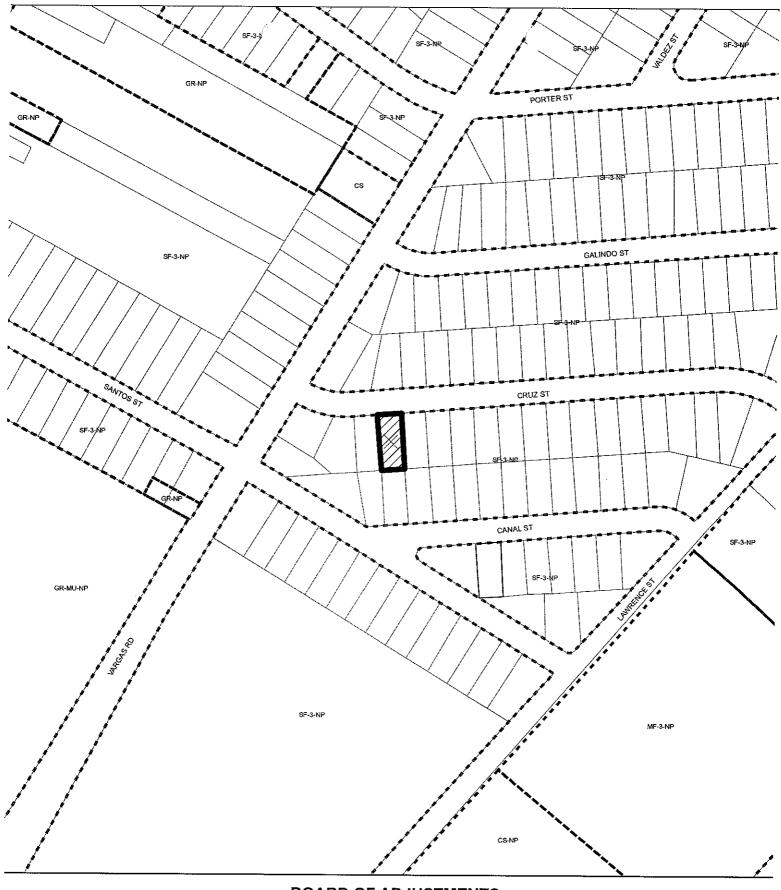
In appraisal office have. We would really appreciated if can help us cause the addition is already

Build and we didn't do on purpose. I have enclose a picture of addition.

Thanks you very much for your time.

adelle Morales

2.	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:	
	none	
3.	The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:	
	none	
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:	
		John
		alle
N	IOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.	Gradalif
	PLICANT CERTIFICATE — I affirm that my statements contained in the complete plication are true and correct to the best of my knowledge and belief. Mail Address 12711 Blaine Rd. My, State & Zip Austin Tx 78753 Phone 385-8773 Date 12-15-10	270 2/11/10 2 3/11/10 10 2/11/10 2
Sig	med <u>Adela S. Morales</u> Mail Address 12711 Blaine Rd. y, State & Zip <u>Austin Tx</u> 78753	63
Cit	y, State & Zip Qustin Tx 78753	
	nted Adela MORALES Phone 385-8773 Date 12-15-10	
	WNERS CERTIFICATE – I affirm that my statements contained in the complete application true and correct to the best of my knowledge and belief.	
Sig	med <u>Clarica 5. Morales</u> Mail Address 127/1 Blaine Rd.	
Cit	y, State & Zip <u>Austin 7x 78753</u>	
Pri	nted Adela S. MORALES Phone 385-8773 Date 12-15-10	





BOARD OF ADJUSTMENTS

CASE#: C15-2011-0004 LOCATION: 6607 CRUZ ST

GRID: L19

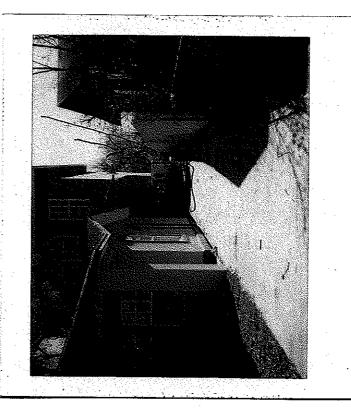
MANAGER: SUSAN WALKER



adelle Morales

a copy of the

6607 Cmz







City of Austin

BUILDING PERMIT

PERMIT NO:

1999-015547-BP

Туре:	RESIDENTIAL
-------	-------------

Status: Expired

550% CKUZ ST	12/2/1/999 (Expiry D				Diry Date	Date: 06/24/2000				
LEGAL DESCRIPTION					SITE A	PPROVAL	ZON		GRID NO.	
PROPOSED OCCUPAT	NCY									ML19
Stainway Over Existing		Garage				W	ORK PERM	ITTED		ISSUED BY
						Ad	dition			Sylvia Benavidez
TOTAL SQFT	VAL	.UATION	·	TYPE	US	E CAT.	GROUP	FI 0000		# OF PARK
		_		CONST	: "	L OAT.	GROUP	FLOORS	UNITS	# OF PARKING SPACES
		Tot Val Rem:	\$.00			434		2		
TOTAL BLDG, COV	FRAGE	% COVERAGE		-						
	LIV OL	% COVERAGE			TOTAL IMPERVIOUS COVERAGE %		COVERAGE			

Contact

Owner, Guadalupe Morales

General Contractor, Guadalupe Morales

Telephone

(512) 385-8665

(512) 385-8665

Fee Description

Building Permit Fee

Fee Amount

Paid Date

\$33.00

12/27/1999

Total Fees:

\$33.00

Inspection Requirements

Building Inspection Electric Inspection

Section 25-11-94 EXPIRATION AND EXTENSION OF PERMIT (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection performed.)

See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

<u>Date</u>

<u>User</u>

BY ACCEPTING OR PAYING FOR THIS PERMIT YOU ARE DECLARING THAT YOU ARE THE OWNER OR AUTHORIZED BY THE OWNER THAT THE DATA SUBMITTED AT THE TIME OF APPLICATION WAS TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATION SUBMITTED HEREWITH.

CITY OF AUSTIN - PROJECT PERMIT

6607 >>○SERMIT NO. GUADALLIIGE MAHUNA ADDRESS DNING CALINO. ADD ITT I () NORK PERMITTED JOSE STATE -I C > 3 C BULDING ELECTRICAL SIGN SIDEWALK/DRIVE PLUMBING MECHANICAL OTHER ARCH./ENGR OWNER/CONTRUES CRUZ SPECIAL PERMIT NO. HT. : AR GUADALUPE STAFF NOTION ... NOCK EQD. PARKING PROVD. 6607 CRUZ NOISIVIGEUS STREEAPDRESS 5 To the second Parish Parish gregor (् SNO SNEWS DIMENSIONS REPOSED OCCUPANDS. W/SINISTICIA (\$QJA)) (#Es MENDER WITH CLERK GHOUP ! A. FLOORS! /15/99 CINTAL PROILS PAID DAT 06/19**947**® · BLDGS. MIN. STD. CHISHIL REQUIRED NSPECTIONS LECTRIC STIND ONR

CONTRACTOR'S COPY

MITTEUM

FRANKELLING OR RENTAL FURFOSES

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

IC=2561/45% NOT TO BE USED

 $\vec{\times}$

78741



City of Austin BUILDING PERMIT

PERMIT NO: 1999-001264-BP

6607	CRUZ	ST

Type: RESIDENTIAL

Status: Expired

Issue Date: 06/15/1999

08/12/2000

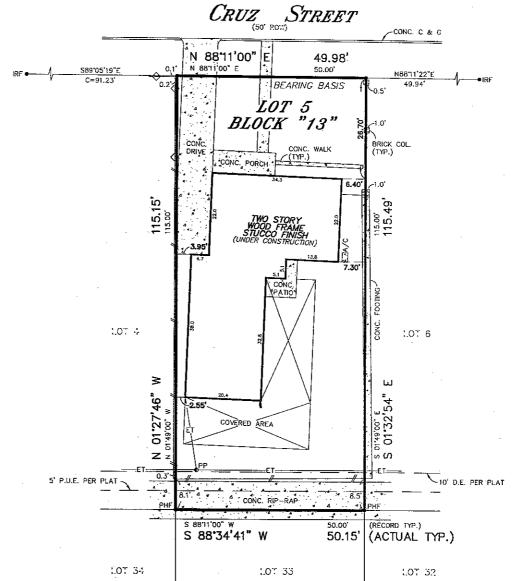
Legal Description Lot: Block: 13 Subdivision:						SITE APP	PROVAL	ZONING
PROPOSED OCCUPANCY:	WORK PERMIT	TED: New				LICOUED DV		
Detached 2nd Sty Garage/Storage \		140. 100				ISSUED BY:		
TOTAL SQFT	VALUATION	·····	TYPE CONST.	USE CAT.	GROUI	P FLOORS	UNITS	# OF PKG SPACES
	Tot Job Vai:	\$2,000.00		438		2	1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOU	S COVERAGE	% COVE	RAGE #	OF BATHRO	OMS	METER SIZE
Contact Homeowner, Guadalupe Morales		<u>Phone</u> (512) 385-8665	<u>Contact</u> General Contr	ractor, Guadalu	pe Morales	5		<u>Phone</u> (512) 385-8665
Fee Desc A Building Permit Fee Fees Total:	Amount <u>Date</u> <u>F</u> 82.00 6/15/1999 <u>82.00</u>	ee Desc	Amo	ount <u>Date</u>	Fee	Desc		Amount Date
Inspection Requirements Building Inspection	Mechanical In	spection	Plumbin	g Inspection				
All Buildings, Fences, Landscaping, P agreement Approved By COA Authori City Code Chapter 25-12, Artic								

'Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Ic=2581/45% Not To Be Used For separate Dwelling Or Rental Purposes** **

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



A Title Commitment was NOT furnished to the Surveyor. The only Easements shown hereon are per Plat. The Surveyor does not assume any Liability for existence of any easements and/or restrictions encumbered to the Property.

* ADELLE HERNANDEZ

(512) 335-3944 * (512) 250-8685 (Fax) JM

Survey No. <u>10219</u>	PLAT OF SUR	VEY 	
		e Bara out	
Soid lot is in Zone X as identified by the Federal Emergency Management Agency on Community Panel No. 48453C 0605H Dated: SEP. 26, 2008	_	otherwise not	re 1/2-inch iron rod found unless ed. To the lien holders and/or f the premises surveyed.
LOT NO5BLOCK NO			OF STA
addition or subdivision <u>CHERNOSKY SUBDIVISIO</u> street address <u>6607 CRUZ STREET</u> survey for <u>CUADALUPE MORALES & ADELLE</u>	N, NUMBER 17, BOOK 5, F CITY <u>AUSTIN</u> COUNT HERNANDEZ REFERENCE <u>GUAD</u>	PAGE 130, PLAT RECORDS Y TRAVIS ALUPE MORALES & *	LEGUE VASTERLING
TO: STATE OF TEXAS, COUNTY OF TEAMS 1 HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCE SNS ENGINEERING, INC.	ENCROACHMENTS, VISIBLE UTILITY LINES	OR ROADS IN	1419 VO 1311E V
9801 Anderson Mill Road, Suite Austin, Texas 78750	209		Leslis Vactority

621/31

Date: 06-25-2010

LEGEND PPO POWER POLE -ET- OVERHEAD ELEC./TELE. LINE -#-- WOOD FENCE IRF ■ 1/2" IRON ROD FOUND PHF . PUNCH HOLE FOUND IN CONCRETE CRUZ STREET CONC. C & G N 8811'00" 50.04 N 8811'00" E S89'05'19"E N88"11"00"E N88'11'49"E BEARING BASIS C = 91.230.2' 200.17 LOT 5 BLOCK "13" CONC DRIVE BRICK COL. (TYP.) CONC. WALK CONC. PORCH 115.15° 0.5 0.13 7.25 1.07 4 1.OT 6 01'35'32' COVERED AREA 8 z ຸ ທ 10' D.E. PER PLAT-S 8810'47" W-5' P.U.E. PER PLAT "X" FND, CONC. RIP-RAP PHF" -S 88'14'17" W 197.08 88"11"00" W 50.00 (RECORD TYP.) S 88'27'18" W 49.76 PHF ON TOP OF CONC. HEADWALL (ACTUAL TYP.) 1.07 34 LOT 33 LOT 32 A Title Commitment was NOT furnished to the Surveyor. The only Easements shown hereon ore per Plat. The Surveyor does not assume any Liability for existence of any easements and/or restrictions encumbered to the Property. * ADELLE HERNANDEZ PLAT OF SURVEY Survey No. 10219-REV SCALE: 1" = 20' GF _ Said tot is in Zone \underline{X} as identified by the All corners are 1/2-inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed. Federal Emergency Management Agency on Community Panel No. <u>48453C 0605H</u>
Dated: <u>SEP. 26, 2008</u> BLOCK NO. ADDITION OR SUBDIVISION CHERNOSKY SUBDIVISION, NUMBER 17, BOOK 5, PAGE 130, PLAT RECORDS STREET ADDRESS 6607 CRUZ STREET SURVEY FOR GUADALUPE MORALES ETTY <u>AUSTIN</u> COUNTY TRAVIS RNANDEZ REFERENCE <u>GUADALUPE MORA</u> TO:
STATE OF TEXAS, COUNTY OF TRAVIS
I HEREBY CERTUPY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT
THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN
PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

9801 Anderson Mill Road, Suite 209

(512) 335-3944 * (512) 250-8685 (Fax) JM

Austin, Texas 78750

621/31,46,55, 625/35

Date: 11-08-2010

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

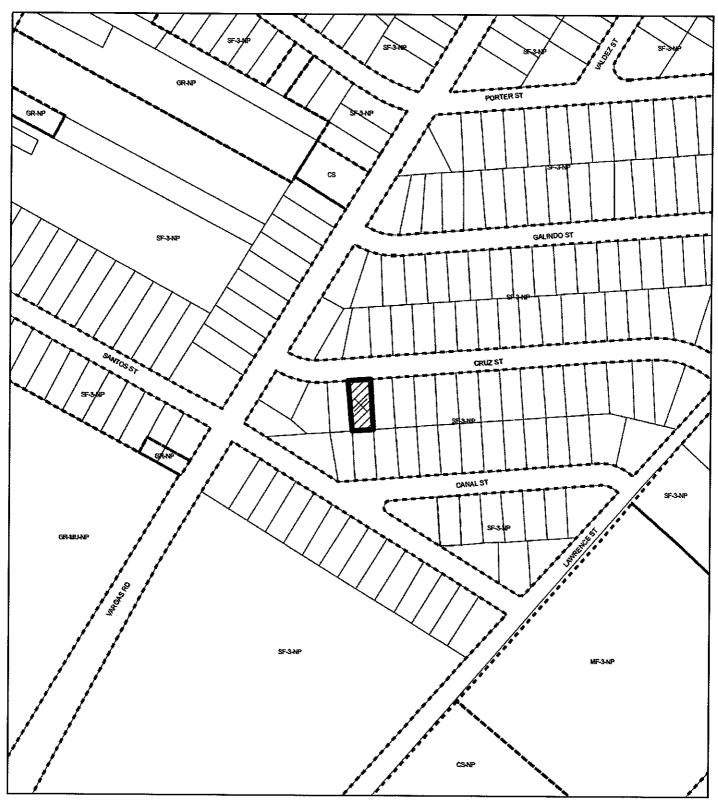
A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Austin, TX 78767-8310

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088
Eto ou
THANK YOU ALL FOR YOUR
WISH MY NEIGHBARS 6000 LUCK
OR IMPROVEMENT IN
Daytime Telephone: 5/2 422-7300 Comments: 1'N N FARM EX
Mille Signature 2/8/(1
by Mis application
Your Name (please print) Tam in favor I object
Case Number: C15-2011-0004 6607 Cruz Street Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, February 14th, 2011





BOARD OF ADJUSTMENTS

CASE#: C15-2011-0004 LOCATION: 6607 CRUZ ST GRID: L19

MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.